

7/22/03 10:48:30

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL 1456

Master File No. 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

Rice v. Abbott Laboratories, et al., N.D.
Cal. Case No. C 02-3925 MJJ

Thompson v. Abbott Laboratories, et al.,
N.D. Cal. Case No. C 02-4450 MJJ

**PLAINTIFFS' MOTION TO REMAND ACTIONS TO CALIFORNIA SUPERIOR
COURT**

Plaintiffs John Rice ("Rice") and Constance Thompson ("Thompson") respectfully submit this joint Motion to Remand Actions to California Superior Court, Rice and Thompson each allege a single claim that Defendants violated California Business & Professions Code §17200 ("§17200") because Defendants sell certain drugs by artificially inflating the drugs' average wholesale price ("AWP"), which is an unlawful, unfair and/or business practice under §17200. Remand is proper under the

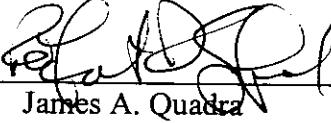
analysis in the Court's Memoranda and Orders of May 13, 2003 and June 11, 2003, which demonstrates that Rice and Thompson's §17200 claims do not raise any federal question jurisdiction.

This motion is based on the accompanying Memorandum of Law and on such other argument and evidence as may be submitted in reply or at any hearing.

Respectfully submitted,

MOSCONE, EMBLIDGE & QUADRA LLP

DATED: July 18, 2003

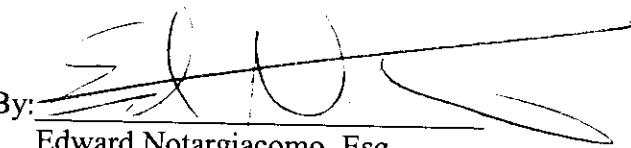
By 
James A. Quadra
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Attorneys for Plaintiffs John Rice and
Constance Thompson

CERTIFICATE OF SERVICE

I hereby certify that I, Edward Notargiacomo, an attorney, caused true and correct copies of the foregoing Plaintiff's Motion to Remand Actions to California Superior Court; and Memorandum of Law in Support of Plaintiffs' Motion to Remand Actions to California Superior Court, to be served on all counsel of record electronically, pursuant to Section D of Case Management Order No. 2 on this 22 day of July, 2003.

By:


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